

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Applicant: EVERS, Britta

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International

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For: GROWTH HORMONE SECRETAGOGUES

Docket No.: X-15722

TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Identification of Person Making This Disclaimer

I, James B. Myers, am employed by Eli Lilly and Company, and I am an attorney of record in the above-identified patent application. In that capacity, I am authorized to sign this disclaimer on behalf of Eli Lilly and Company.

Identity of Assignee

I hereby verify that the assignee owning all of the interest in this application is:

Eli Lilly and Company
Lilly Corporate Center
Indianapolis, Indiana 46285

Recordal of Assignment in PTO

The assignment was recorded on 5 October 2004, Reel/Frame 016892/0564.

Extent of Interest

The extent of Eli Lilly and Company's interest is in the whole of this invention.

Disclaimer

I hereby disclaim the terminal part of any patent granted on this application, which would extend beyond the expiration date of:

United States Patent No. 7,396,846 and hereby agree that any patent granted on this application shall be enforceable only for and during such period that the legal title to the patent shall be the same as the legal title to United States Patent No. 7,396,846.

I do not disclaim any terminal part of any patent granted on this application prior to the expiration date of the full statutory term of United States Patent No. 7,396,846 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term other than as presently shortened by any terminal disclaimer.

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Respectfully submitted,

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